

Programmatic Permit Guidance

Culvert Replacement in Non Fishbearing Waters General HPA GH-F3590-01

This guidance will help you interpret and understand the roles and responsibilities for complying with programmatic permits and exemptions for **culvert replacement in non fishbearing waters**. You must read the permit prior to conducting work. Only familiarity with the permit will ensure your activities maintain compliance. The permit and other referenced documents are available for download at WSDOT's programmatic permit website <http://www.wsdot.wa.gov/environment/Programmatics/default.htm>.

Programmatic permits and exemptions

- General Hydraulic Project Approval GH-F3590-01
- See Army Corps Jurisdiction (below)

Work covered:

The GHPA allows the replacement of a culvert in essentially the same location as the previous culvert only when located in non fish bearing waters.

When and how often work is allowed:

Work must be conducted in the natural dry stream channel between June 1 and October 15. Work is allowed in the wetted perimeter if conducted during the freshwater fish window. A three day pre-project notification is required.

Work restrictions:

The permit specifies restrictions and required practices that minimize pollutants entering the water and the disturbance of vegetation. Notable requirements include the following:

- A bypass is required if work will occur in the wetted perimeter.
- Equipment can operate below the OHWL if the drive mechanisms have been cleaned and remain in the dry (only when absolutely necessary).
- Cement or grout cannot contact water for seven days.

Determining Army Corps Jurisdiction

Army Corps jurisdiction is determined under the following three scenarios:

1. Culvert replacement may be exempt under 33 CFR 323.4(a)(2) provided that the work is conducted such that:
 - i) There is no change to the scope and size of the original fill design, and
 - ii) There is no modification to the character of the original fill design (i.e. there may be no change in materials).
2. These conditions are generally accomplished by ensuring that:
 - i) The culvert length is not increased,
 - ii) There is no change in the alignment of the culvert (though the diameter of the culvert may be increased),
 - iii) There is no placement of new riprap around the mouth of the culvert or backfilling of any material beyond the original footprint of the original culvert and road bed.

3. Minor re-alignments of culverts may be exempt. The Corps should be notified with specific design proposals to determine the need for a permit.
4. Culvert shape and diameter may be altered without triggering the need for a permit – e.g. a round pipe culvert may be converted to a three-sided box culvert with a gravel bottom.
5. Rock and grade control structures may be placed in the bottom of culverts (inside the culvert or within the footprint of the culvert) without triggering the need for a permit.
6. Sieving/slip lining culverts and grouting between the old and new pipes may be exempt provided that the conditions in Item #2 are met.
7. Temporary structures necessary to allow exempt work to be conducted in isolation from flowing waters are also exempt.
8. Temporary by-passes required for non-exempt activities may also require a Corps' permit. If an activity requires Corps notification, then any temporary structures necessary for the activity must also be reviewed by the Corps.
9. Backfilling jacking holes in wetlands or below the OHWL at the completion of a repair/replacement project would trigger Corps' jurisdiction and would not be exempt from the requirement for a permit.

Permit questions?

Gregor Myhr

(360) 705-7487

Permit Program Manager

WSDOT, Environmental Services Office

Reporting requirements:

Complete and accurate reporting of all work covered by this permit is a legal requirement.

Pre-project reporting/notification – The WDFW Regional Habitat Program Manager (RHPM) and Ecology Regional WQ program must be notified at least three days before starting work (verbal, fax, email, etc...). For the RHPM contact list, see the programmatic permit website (*documents referenced in permits* quick link). Information that must be included in the notification is found in provision 2 of the permit.

Reporting a project Maintenance crews fill out the ESA compliance forms on the PDA or the computer. Contact your Regional Maintenance Environmental Coordinator (see list next page) for assistance. When reporting, maintenance staff can recommend improvements to BMPs and mitigation: This is the best way to rid our toolbox of BMPs that do not work and add BMPs that work better.

Annual Reporting WSDOT Environmental Services Office and Maintenance Environmental will coordinate to submit annual project reports to WDFW by January 31. In order to meet this deadline, project reports must be completed by January 10. An annual report will be submitted even if no work was done. ESO will convert the SR & MP to lat/long for the annual report.

Emergency reporting

Distressed or dead fish and water quality problems must be reported to the RMEC and regional WDFW and Ecology offices below.

Ecology Regional Contact Information:

Southwest Region P.O. Box 47775 Olympia, WA 98504-7775 Fax # 360-407-6305 Deborah Cornett - supervisor for water quality inspectors/construction dcorn461@ecy.wa.gov . 360-407-7269 Margaret Hill - water quality inspector mhill461@ecy.wa.gov . 360-407-0246 Janet Boyd - water quality inspector jboy461@ecy.wa.gov . 360-407-0245 Betsy Dickes - water quality inspector bedi461@ecy.wa.gov . 360-407-6283 Rusty Post - water quality inspector (Vancouver field office) rpos461@ecy.wa.gov . 360-690-4787	Northwest Region 3190 160th Ave SE Bellevue, WA 98008-5452 Fax # 425-649-7098 Don Seeberger - Unit Supervisor for the Water Quality Inspectors/Construction dsee461@ecy.wa.gov . 425-649-4424 John Drabek - supervisor for the water quality inspectors/industrial unit Note - John's group works pretty closely with Don's group - some overlap so John is listed more of a backup but should be included in all e-mail notifications. jdra461@ecy.wa.gov . 425-649-7293
Central Region 15 West Yakima Ave Suite 200 Yakima, WA 98902-3452 Fax # 509-575-2809 Jeff Lewis - supervisor for water quality inspectors jlew461@ecy.wa.gov . 509-454-7207 Ray Latham - water quality inspector rlat461@ecy.wa.gov . 509-575-2807 Terry Whittmeier twit461@ecy.wa.gov . 509-574-3991	Eastern Region N 4601 Monroe Spokane, WA 99205-1295 Fax # 509-329-3570 Lenox Bramble (called Len) - supervisor for water quality permit writers lbra461@ecy.wa.gov . 509-329-3504 Mike Hepp - water quality inspector mhep461@ecy.wa.gov . 509-329-3536

Department of Fish and Wildlife Contact Information:

Region 1 – Spokane: 509-456-4082	Region 4 – Mill Creek: 425-775-1311
Region 2 - Ephrata: 509-754-4624	Region 5 – Vancouver: 360-906-6700
Region 3 – Yakima: 509-575-2740	Region 6 – Montesano: 360-249-4628

WSDOT, Regional Maintenance Environmental Coordinators:

NCR—Joe Williams: 509-667-3054	SCR—Mark Reynolds 509-577-1755
SWR—Candace Jochim: 360-905-2173	ER —Erv Koller: 509-324-6133
NWR—Mark Cornwall: 206-440-4523	OR —Ken Schlatter: 360-570-6707

